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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,864	02/10/2004	Robert L. Ponziani	13-DV-132639B	1499
7590 General Electric Co. One Neumann Way, H17 Cincinnati, OH 45215		10/04/2007	EXAMINER HE, AMY	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/775,864

Applicant(s)

PONZIANI ET AL.

Examiner

Amy He

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13 and 20 is/are allowed.
- 6) ☒ Claim(s) 1 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 14-18 are withdrawn from consideration as being directed to a non-elected invention as discussed in the prior office action. Applicant is reminded to cancel the non-elected claims 14-18.

### ***Claim Objections***

2. Claim 2 is objected to because the claim identifier should be "previously amended".

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 and 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-8 of U.S. Patent No. 7,093,422. Although the conflicting claims are not identical, they are not patentably distinct from each other.

As for claim 1, Patent 7, 093, 422 discloses (in claims 7 and 8) the same subject matter of, in an aircraft powered by a gas turbine engine (see claims 7 and 8) containing an igniter which is fed by a power cable which is surrounded by a conductive shield connected to a system ground (see claim 7, a, ii), a method comprising:

detecting current pulses in the shield (see claim 7, b, i); and

in response to detected current pulses, issuing to a pilot station in the aircraft a signal indicating presence of spark in the igniter(see claim 7, b, ii; and claim 8).

As for claim 19, Patent 7,093,422 discloses (in claims 7 and 8) the same subject matter of operating a gas turbine engine which powers an aircraft (see claim 8), comprising:

maintaining an igniter which is surrounded by a housing(see claim 7, a, part i), and fed by a power cable which is surrounded by a conductive shield which is connected to the housing(see claim 7, a, part ii); and

detecting current in the shield, housing, power cable, or a combination thereof, but without electrically contacting the power cable (claim 7, b, part i); and

in response to detected current, actuating an annunciator (means for issuing the signal indicating spark), informing the pilot of the detected spark (claim 7, b, part ii; and claim 8).

***Response to Arguments***

4. Applicant's arguments filed August 13, 2007, with respect to claims 1-13 and 19-20 have been fully considered and are persuasive. The 103 rejections of claims 1-13 and 19-20 have been withdrawn.

***Allowable Subject Matter***

5. Claims 2-13 and 20 are allowed.
6. Claims 1 and 19 would be allowable if an appropriate Terminal Disclaimer is filed.
7. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-8 are allowable because none of the prior art discloses a method/apparatus comprising: detecting current pulses in a shield, which surrounds a power cable feeding an igniter in an aircraft; and in response to detected current pulse, issuing to a pilot station a signal indicating the presence of spark in the igniter.

Claims 9-13 are allowable because none of the prior art discloses an apparatus comprising: a coil outside a shielding, which surround a power cable feeding an igniter in an aircraft; a detector for detecting current pulses in the coil; and annunciator for

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issuing a signal indicating presence of spark in the igniter to a pilot station in response to detected current pulse.

Claims 19-20 are allowable because none of the prior art discloses a method of operating a gas turbine engine which powers an aircraft, comprising: maintaining an igniter which is fed by a power cable which is surrounded by a conductive shield connected to a housing of the igniter; detecting current in the shield, housing, power cable, or a combination thereof, but without electrically contacting the power cable, and in response to detected current, actuating an annunciator at a pilot station, informing the pilot of the detected spark.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy He whose telephone number is (571) 272-2230. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH

September 25, 2007.



ANJAN DEB  
PRIMARY EXAMINER